

alleging that the article had been shipped in interstate commerce on or about June 10, 1943, by the Federal Sales Co. from Flushing, N. Y.; and charging that it was misbranded. The article was labeled in part: (Packages) "Giant Torpedo 2¢ Net Wt. 9/16 Oz. or Over."

It was alleged to be misbranded (1) in that the statement "Net Wt. 9/16 Oz. or Over" was false and misleading as applied to the article since it was short of the declared weight; (2) in that its container was so filled as to be misleading since the candy occupied less than 20 percent of the volume of the package; and (3) in that it was in package form and its label failed to bear an accurate statement of the quantity of the contents.

On August 26, 1943, the consignee having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered destroyed.

5296. Misbranding of apple candy. U. S. v. Ridgewood Orchards, Inc. (Shenandoah Valley Apple Candy Co.). Plea of guilty. Fine, \$50. (F. D. C. No. 9676. Sample Nos. 37110-F, 37146-F, 37303-F.)

On September 16, 1943, the United States attorney for the Western District of Virginia filed an information against the Ridgewood Orchards, Inc., trading under the name Shenandoah Valley Apple Candy Co., at Winchester, Va., alleging shipment within the period from on or about January 9 to March 12, 1943, from the State of Virginia into the District of Columbia and the State of Maryland of a quantity of apple candy that was misbranded. The article was labeled in part: (Box) "Shenandoah Valley Apple Candy * * * Contents One Pound Net."

It was alleged to be misbranded (1) in that the statement "Contents One Pound Net" was false and misleading since the boxes did not contain 1 pound net of candy but did contain a smaller amount; and (2) in that it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents in terms of weight, since the boxes contained a smaller amount than represented on the label.

On October 25, 1943, a plea of guilty having been entered on behalf of the defendant corporation, the court imposed a fine of \$50.

DAIRY PRODUCTS

BUTTER

Nos. 5297 to 5312 report actions involving butter that was prepared from decomposed cream, as evidenced by mold.

5297. Adulteration of butter. U. S. v. 12 Cases of Butter. Default decree of condemnation. Product ordered sold to a chemical plant for use other than human consumption. (F. D. C. No. 10340. Sample No. 48035-F.)

On or about July 6, 1943, the United States attorney for the Southern District of Ohio filed a libel against 12 cases of butter at Cincinnati, Ohio, which had been consigned on or about June 2, 1943, alleging that the article had been shipped in interstate commerce by the Rising Sun Creamery, Inc., from Rising Sun, Ind.; and charging that it was adulterated in that it consisted in whole or in part of a filthy or decomposed animal substance. The article was labeled in part: "Cottage Butter * * * Packed Expressly for The Schneider Grocery Co. Cincinnati, Ohio."

On July 24, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a chemical plant for uses other than human consumption.

5298. Adulteration of butter. U. S. v. 151 Cases of Butter. Decree of condemnation. Product ordered released under bond for conversion into butter oil. (F. D. C. No. 10294. Sample Nos. 35441-F to 35443-F, incl.)

On or about July 15, 1943, the United States attorney for the Northern District of Georgia filed a libel against 151 cases of butter at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about June 30, 1943, by Kingan & Co. from Lebanon, Ky.; and charging that it was adulterated in that it consisted in whole or in part of a filthy or decomposed substance. The article was labeled in part: "Kingan's Reliable * * * Butter," or "Forest Brook Creamery Butter."

On July 21, 1943, Kingan & Co. having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for conversion into butter oil under the supervision of the Food and Drug Administration.